

Application No. 09/828,963
Amendment dated April 23, 2004
Reply to Office Action dated March 24, 2004

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Remarks/Arguments

The Examiner has requested restriction to Group I (claims 1 to 10), drawn to an apparatus for making a plurality of spherical products, or Group II (claims 11 to 15), drawn to a method for forming a plurality of spherical products from a deformable material, under 35 U.S.C. 121. Applicant provisionally elects Group I (claims 1 to 10), drawn to the apparatus, with traverse.

Applicant submits that, contrary to the Examiner's assertion, the method of Group II cannot be practiced without the specifics of the Group I apparatus. In particular, the method of Group II requires a base, a tray having an upper non-stick (i.e. friction) surface, a tethered support for providing a buffered motion, and an open grid. These elements are precisely those recited in claim 1. Contrary to the Examiner's assertion, there is no requirement for an H-shaped tray support platform with two arms and a connecting body in claim 1. Thus, Applicant traverses the first grounds of restriction.

Applicant also respectfully traverses the Examiner's assertion that the apparatus of Group I can be used to practice another and materially different process. Both the apparatus of claims 1 to 10, and the method of claims 11 to 15 are directed to forming a spherical product from a deformable material. Claims 1 and 11 are not restricted, as suggested by the Examiner to dough, but to any deformable material. Thus, it is submitted that the apparatus, as claimed, cannot be used to practice another and materially different process.

For the reasons above, Applicant submits that the restriction requirement under 35 U.S.C. 121 has been traversed, and requests withdrawal of the requirement.

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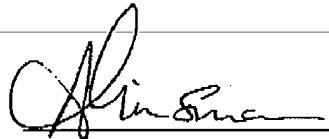
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No fee is believed due for this submission. However, Applicant authorizes the Commissioner to debit any required fee from Deposit Account No. 501593. The Commissioner is further authorized to debit any additional amount required, and to credit any overpayment to the above-noted deposit account.

Respectfully submitted,
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